

Mailing Date: April 6, 2001

Client: 70840

Attorney/Sec: DGC/DAT/dmt

Docket No.: 55,340

Inventors: T. Hiramatsu

IA Filing Date: 22 APR 99

Serial No.: 09/674,068

IA No.:

PCT/JP99/02157

Filing Date: 10/24/2000

Priority Date: 24 APR 98

The dating stamp of the Patent and Trademark Office hereon will be taken as the date of filing of:  
Completion of Filing Requirements

PTO Form PCT/DO/EO/905

Original Declaration

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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1041 10

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DGC/DAT/dmt 55,340 (70840)

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P. 10

(Rev. 5-11/00 Pub 605)

FORM 13-8

13-111

Practitioner's Docket No. 55,340 (70840)

## IN THE UNITED STATES DESIGNATED OFFICE (DO/US)

<u>PCT/JP99/02157</u>	<u>22 April 1999</u>	<u>24 April 1998</u>
INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
<u>SPACE-DIVISION MULTIPLEX FULL-DUPLEX LOCAL AREA NETWORK</u>		
TITLE OF INVENTION		
<u>T. Hiramatsu</u>		
APPLICANT(S) FOR DO/US		

Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

ATTENTION: DO/US

COMPLETION OF FILING REQUIREMENTS  
FOR INTERNATIONAL APPLICATION ENTERING NATIONAL  
STAGE IN U.S. DESIGNATED OFFICE (DO/US) UNDER 35 U.S.C. § 371

(check and complete the following item, if applicable)

☒ This replies to the Notice of Missing Requirements under 35 U.S.C. § 371 and 37 C.F.R. § 1.494 (FORM PCT/DO/EO/905).

☒ A copy of FORM PCT/DO/EO/905 accompanies this response.

**WARNING:** Where the items being submitted to complete the entry of the international application into the national phase are subsequent to 20 months from the priority date, the application is still considered to be in the international stage. If mailing procedures are utilized to obtain a date, the express mail procedure of 37 C.F.R. § 1.10 must be used (because international application papers are not covered by an ordinary certificate of mailing, 37 C.F.R. § 1.82)(xi).

**NOTE:** Documents and fees must be clearly identified as a submission to enter the national stage under 35 U.S.C. § 371. Otherwise, the submission will be considered as being made under 35 U.S.C. § 111, 37 C.F.R. § 1.494(f).

## CERTIFICATION UNDER 37 C.F.R. § 1.10\*

(Express Mail label number is mandatory.)

(Express Mail certification is optional.)

I hereby certify that this Completion of Filing Requirements and the papers indicated as being transmitted therewith is being deposited with the United States Postal Service on this date April 6, 2001, in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL342149037US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Donna M. Tomaso

(type or print name of person mailing paper)

  
Signature of person mailing paper

**DECLARATION OR OATH**

1. ☒ No original declaration or oath was filed. Enclosed is the original declaration or oath for this application.

OR

- ☐ The declaration or oath that was filed was determined to be defective. A new original or oath or declaration is attached.

NOTE: For surcharge fee for filing declaration after filing date, complete item IV(2).

NOTE: Acceptable minimums in the declaration in an ordinarily filed U.S. application for identification of the specification to which it applies are:

(A) application number (consisting of the series code and the serial number, e.g., 08/123,456);

(B) serial number and filing date;

(C) attorney docket number which was on the specification as filed;

(D) title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or

(E) title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration.

M.P.E.P. § 601.01(a), 7th ed. Notice of September 12, 1983 (1035 O.G. 3). See M.P.E.P. § 601.01(a), 7th ed.

NOTE: Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. § 1.10(c).

NOTE: 37 C.F.R. § 1.41(a) points out that "Full names must be stated, including the family name and at least one given name without abbreviation together with any other given name or initial."

(complete (a) or (b), if applicable)

Attached is a

- (a) ☐ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.
- (b) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

(Completion of Filing Requirements for International Application Entering National Stage in Designated Office (DO/US) under 35 U.S.C. § 371 [13-8]—page 2 of 6)

(Rev. 8-11-00 Pub. 605)

FORM 13-8

13-113

### AMENDMENT

II. (complete as applicable)

- ☐ An amendment in accordance with 37 C.F.R. § 1.121 is attached.  
☐ The attached amendment cancels claims \_\_\_\_\_ inclusively.

### TRANSMITTAL OF ENGLISH TRANSLATION OF NON-ENGLISH LANGUAGE PAPERS

III. Submitted herewith, is an English translation of the non-English language international application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO. (See 37 C.F.R. § 1.494(b)(2)).

NOTE: For fee for processing a non-English application, and submission of an English translation later than 20 months after the priority date, complete item IV(3) below.

NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 C.F.R. § 1.69(b).

### FEES

IV.

NOTE: See 37 C.F.R. § 1.28(a).

#### 1. Fees for claims

- ☐ Each independent claim in excess of 3  
(37 C.F.R. § 1.492(b)—\$80.00; small entity—\$40.00) \$ \_\_\_\_\_  
☐ Each claim in excess of 20  
(37 C.F.R. § 1.492(c)—\$18.00; small entity—\$9.00) \$ \_\_\_\_\_  
☐ Multiple dependent claim(s)  
(37 C.F.R. § 1.492(d)—\$270.00;  
small entity—\$135.00) \$ \_\_\_\_\_

#### 2. Surcharge fees

- ☒ Surcharge set forth in § 1.492(e), for accepting the declaration later than 20 months after the priority date in filing an application in the U.S. as a designated office—\$130.00; small entity—\$65.00 \$ 130.00

NOTE: The processing fee in the next item (Number 3) below is not subject to a reduction for small entity status.

3. ☐ Processing fee set forth in § 1.492(f), for acceptance of an English translation later than 20 months after the priority date—\$130.00 \$ \_\_\_\_\_

Total fees \$ 130.00

(Completion of Filing Requirements for International Application Entering National Stage in Designated Office (DO/US) under 35 U.S.C. § 371 [13-8]—page 3 of 6)

### SMALL ENTITY STATUS

V. ☐ A statement that this filing is by a small entity

NOTE: See 37 C.F.R. § 1.28(a).

(check and complete applicable items)

- a. ☐ is attached.  
☐ was filed on \_\_\_\_\_ (original).  
 b. ☐ A separate refund request accompanies this paper.

### EXTENSION OF TIME

(complete (a) or (b), as applicable)

VI.

The proceedings herein are for a patent application. The provisions of 37 C.F.R. § 1.136(a) apply.

(a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked out below

<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 390.00	\$ 195.00
<input type="checkbox"/> three months	\$ 890.00	\$ 445.00
<input type="checkbox"/> four months	\$ 1,390.00	\$ 695.00
<input type="checkbox"/> five months	\$ 1,890.00	\$ 945.00

Fee: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefore.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.  
 Extension fee due with this request \$ \_\_\_\_\_

or

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

### TOTAL FEE DUE

VII. The total fee due is:

Completion fee(s) \$ 130.00

Extension fee (if any) \$ \_\_\_\_\_

TOTAL FEE DUE \$ 130.00

(Completion of Filing Requirements for International Application Entering National Stage in Designated Office (DO/US) under 35 U.S.C. § 371 [13-8]—page 4 of 6)

**PAYMENT OF FEES****VIII.**

- ☒ Attached is a ☒ check ☐ money order in the amount of \$ 130.00
- ☒ Authorization is hereby made to charge the amount of \$
- ☒ to Deposit Account No. 04-1105
- ☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

**WARNING:** Credit card information should not be included on this form as it may become public.

- ☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

**AUTHORIZATION TO CHARGE ADDITIONAL FEES****IX.**

**WARNING:** Accurately count claims, especially multiple dependant claims, to avoid unexpected high charges if extra claims are authorized.

**NOTE:** "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).

**NOTE:** "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

- ☒ Please charge, in the manner authorized above, the following additional fees that may be required by this paper and during the entire pendency of this application:

☒ 37 C.F.R. §§ 1.492(a)(2), 1.492(a)(3), or 1.492(a)(5) (filing fees)

☒ 37 C.F.R. § 1.492(b) (presentation of extra claims)

**NOTE:** Because additional fees for excess or multiple dependent claims not paid on filing, or on later presentation, must only be paid, or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

☒ 37 C.F.R. § 1.17 (application processing fees)

☒ 37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a)).

**WARNING:** While 37 C.F.R. § 1.17(a), (b), (c) and (d) deal with extensions of time under § 1.136(a), this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 C.F.R. § 1.136(a) is to no avail unless a request or petition for extension is filed." (Emphasis added). Notice of November 5, 1985 (1060 O.G. 27).

☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b)).

**NOTE:** Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).

(Completion of Filing Requirements for International Application Entering National Stage in Designated Office (DO/US) under 35 U.S.C. § 371 [13-8]—page 5 of 6)

NOTE: 37 C.F.R. § 1.492(e) requires "Notification of any change in loss of or . . . small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee." From the wording of 37 C.F.R. § 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

☒ 37 C.F.R. § 1.492(e) and (f) (surcharge fees for filing the declaration and/or an English translation of an international application later than 20 months from the earliest claimed priority date)

**WARNING:** It is suggested that you always check this last authorization.

Reg. No. 27,840

Tel. No.: (617) 523-3400

Customer No.: 21874

David A. Tucker  
 SIGNATURE OF PRACTITIONER  
 David A. Tucker  
 (type or print name of practitioner)  
 Dike, Bronstein, Roberts & Cushman  
 Intellectual Property Practice Group  
 P.O. Address EDWARDS & ANGELL, LLP  
 130 Water Street  
 Boston, MA 02109

(Completion of Filing Requirements for International Application Entering National Stage in Designated Office (DO/US) under 35 U.S.C. § 371 [13-8]—page 6 of 6)





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U.S. APPLICATION NO. 09/674068	FIRST NAMED APPLICANT HIRAMATSU	ATTY. DOCKET NO. T 55340 (840)
DAVID G CONLIN DIKE BRONSTEIN ROBERTS & CUSHMAN EDWARDS & ANGELL 130 WATER STREET BOSTON, MA 02109		INTERNATIONAL APPLICATION NO. PCT/JP99/02157
MAR 09 2001 COWELL, EDWARDS & ANGELL, LLP DIKE BRONSTEIN ROBERTS & CUSHMAN		U.S. FILING DATE 22 APR 99
		PRIORITY DATE 24 APR 98
DATE MAILED: 06 MAR 2001		

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):  
☒ U.S. Basic National Fee.  
☒ Copy of the international application in:  
☒ a non-English language.  
☐ English.

☒ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☒ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed 24 OCT 2000 and 130 Water St. Boston, MA 02108

☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_ Date Rec'd, 3/9

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed \_\_\_\_\_

☐ Verified Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the application will be abandoned.

EDWARDS & ANGELL, LLP  
Dike, Bronstein, Roberts & Cushman  
Intellectual Property Practice Group

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(Name)

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United States Patent and Trademark Office  
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FROM: Kathryn A. Grindrod

Phone No.: (617) 517-5534  
FAX NO: (617) 523-6440

USSN: 09/674,068  
Our Ref. No: 55,340 (70840)

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EMAIL: [dtucker@calaw.com](mailto:dtucker@calaw.com)

June 22, 2001

Examiner Winston Alvarado  
United States Patent and Trademark Office  
Washington, D. C. 20231

Dear Examiner Alvarado:

Re: U.S. Patent Application Serial No. 09/674,068  
In the name of SHARP KABUSHIKI KAISHA  
Our Ref. No.: 55,340 (70840)

In accordance with your telephone conversation with Mr. Tucker earlier today, attached please find the following:

- Copy of original declaration.
- Copy of submission of April 6, 2001 regarding Completion of Filing Requirements.
- Copy of date stamped of return postcard concerning the same.

If we may be of any assistance please, do not hesitate to contact us.

Yours truly,

*David A. Tucker*  
David A. Tucker (KAG)

DAT/kag  
170957

EDWARDS & ANGELL, LLP  
Dike, Bronstein, Roberts & Cushman  
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(Name)

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United States Patent and Trademark Office  
(Company)

FROM: Kathryn A. Grindrod

Phone No.: (617) 517-5534

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#### NOTICE

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